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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,697	11/25/2003	Allan P. Thompson	2507-5776.2US (21595-US-0)	6301
60794	7590	06/01/2006		EXAMINER
TRASKBRITT, P.C. P.O. BOX 2550 SALT LAKE CITY, UT 84110			DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/721,697	THOMPSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Merrick Dixon	1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on rce filed 4-28-06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8 and 11-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/28/06;2/13/06;2.

- MERRICK DIXON**  
**PRIMARY EXAMINER**
- 4) Interview Summary (PTO-1447)  
Paper No(s)/Mail Date. \_\_\_\_\_.
  - 5) Notice of Informal Patent Application (PTO-152)
  - 6) Other: \_\_\_\_\_.

1. The instant office action contains initialed, signed PTO-1449 with dates: 4/28/06; 2/13/06; 2/2/06.

2. Claims 1-6,8 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, the phrase, " " is not understood. See claim 13, line 5 for similar problem.

3. Claim14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim contains an improper Markush group.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1-6,8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yorgason (US 5280706) in view of Thompson et al (US 6679965 B1).

The cited primary reference teaches the claimed composite article comprising a pre-preg material comprising a reinforcement impregnated with a thermoplastic resin- col 1, lines 15-21; col 3, lines 50-60; col 2, lines 53-60; col 6, lines 6-21; claim 8. The primary reference, although substantially teaches the claimed invention, however, is silent in regards to the article's density. The secondary reference to Thompson et al, however, teaches that it is known in the art to form articles such as taught by the primary reference, with low densities as claimed- col 1, lines 34-43; col 4, lines 4-19; col 5, lines 39-46. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and manipulate the resulting article densities – see secondary reference, col 5, lines 39-43 motivated by the desire to obtain specific densities therefor, in the absence of unexpected results.

Concerning claims 2 and 3, the primary reference teaches the claimed resin- col 1, lines 63-65. It is submitted the reference does not excludes carbon phenolic resin. See secondary reference. Concerning claim 4, the primary reference teaches the fiber as claimed- col 1, lines 62-63.

Concerning claim 9, the primary reference teaches rocket-like product- figs 3 and 5. the secondary reference teaches rocket product throughout its disclosure. concerning claim 10, the primary reference teaches panel-like product- fig 1; col 7, lines 4-17 ( see secondary reference, col 1, lines 50-52). Concerning claims 8 and 14, the secondary reference teaches filler material in col 8, lines 21-32. Concerning claims 11 and 12, The secondary reference teaches tensile properties- col 7, lines 20-30. It is submitted that the obvious combined teaching of the references would produce articles possessing

similar, if not identical, tensile strength, in the absence of unexpected results.

Concerning claims 5 and 6, the secondary reference teaches similar filaments- col 2, lines 51-53. concerning claim 7, the secondary reference teaches fillers in col 4, lines 30-32. newly submitted claim 13 includes limitations of previously submitted claims 1 and 2 and thus are rejected for reasons as set forth in the previous office action including for reasons as discussed above.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shaw et al( US 4643940) and Canfield et al( US 6711901 B1) are cited of interest to show their respective teachings as relating to the art.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.**

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time.



Merrick Dixon

Primary Examiner

Group 1700